

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

Confidential Information and Records  
(LAC 33:I.501, 502, 503, 505, 507, 508, 509, and 511) (OS050)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.501, 502, 503, 505, 507, 508, 509, and 511 (Log #OS050).

This revision clarifies the procedures for submission of information and records that meet the criteria for confidentiality under R.S. 30:2030 and the Louisiana Public Records Act, R.S. 44:1 et seq. This revision streamlines procedures by separating the types of submissions and what is required for department processing of each type. This revision also clarifies what information and records will and will not be available to the public in favor of maximum availability of non-confidential information. To achieve this goal, which is consistent with and required by the Louisiana Constitution, art. 7, §12, and art. 12, §3, as well as the Public Records Act, R.S. 44:31(B)(1), those members of the public who submit information and records for which they seek confidentiality must carefully delineate how the submission meets the criteria for confidentiality and segregate confidential from non-confidential information that does not meet the criteria for confidentiality. The amendment clarifies that the burden is on the submitter to provide everything necessary for the department to determine whether confidentiality may be granted. The amendment also reduces the burden on the submitter for purely financial information/records submissions; this change will allow streamlined department processing for this category of submissions. This amendment to restructure and clarify the procedures for various types of confidentiality submissions is required based upon the department's experience with submissions under the current regulations. The basis and rationale for this rule are two-fold. The basis is the need for increased compliance with department requirements for submission of items for which confidentiality is requested and the need for certainty whether each individual item submitted will or will not be available to the public in some form. The rationale is that while certain information or records may meet the criteria for confidentiality, the law requires that, to the extent possible, confidential information be separated so that the public may have access to the non-confidential information.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS050. Such comments must be received no later than February 2, 2004, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to [lynn.wilbanks@la.gov](mailto:lynn.wilbanks@la.gov). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS050.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part I. Office of the Secretary**  
**Subpart 1. Departmental Administrative Procedures**

**Chapter 5. Confidential Information Regulations**

**§501. Scope**

A. Department of Environmental Quality ~~records and information and records~~ obtained under the Louisiana Environmental Quality Act, ~~(hereinafter called "the Act")~~, or by any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public, unless confidentiality is requested ~~by~~ in writing ~~to the Office of the Secretary, Legal Affairs Division, and such the information or records is are~~ determined by the ~~administrative authority department~~ to require confidentiality. ~~Such information may be classified as confidential by the administrative authority,~~

B. ~~u~~Unless otherwise provided by law or regulation, information or records may be classified as confidential if the secretary makes a written determination that confidentiality is necessary to:

1. ~~prevent~~ prevent impairment of an ongoing investigation ~~or;~~
2. ~~prevent~~ prevent prejudice to the final decision regarding a violation; ~~or~~
23. ~~protect~~ protect trade secrets;~~;~~
4. ~~protect~~ protect proprietary secrets ~~and information, and;~~
5. ~~protect~~ protect commercial or financial information; ~~or~~
6. ~~comply with federal or state law or regulation or a valid court order.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), LR 30:\*\*.

**§502. Definitions**

*Administrative Authority*—~~repealed. the secretary of the Department of Environmental Quality or his designee, or the appropriate assistant secretary or his designee.~~

*Air Emission Data*—any information necessary or used to determine or calculate the identity, amount, frequency, concentration, or other characteristic of any emission or discharge that has been emitted or discharged by a source; or any information necessary

or used to determine or calculate the identity, amount, frequency, concentration, or other characteristic of an emission that, under an applicable standard or limitation, a source was authorized to emit or discharge including, to the extent necessary to identify the source and to distinguish it from other sources, a description of the device, installation, or operation constituting the source. This includes the calculation of an “allowable” emission limit for a permit.

*Complete*—in reference to a request for confidentiality of information or records, the request contains everything necessary for a determination to be made. Designating a request complete does not preclude the department from requesting or accepting an amended request.

*Financial Request*—a single character request that contains financial information or records only. This includes, but is not limited to, financial accounts statements, gross revenues statements, profit and loss statements, projected revenues statements, tax returns, financial/accounting statements, and financial audit documentation/reports.

*Mixed Character Record*—a record submitted as part of a request for confidentiality that, in addition to information that meets the criteria for confidentiality specified by law, also contains information that either does not meet the criteria for confidentiality specified by law or is prohibited by law or regulation from being classified as confidential.

*Mixed Character Request*—a request for confidentiality that contains one or more mixed character records.

*Single Character Request*—a request for confidentiality that contains only information or records that meet the criteria for confidentiality specified by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), LR 30:\*\*.

### **§503. Requests for Confidentiality**

~~A. — Anyone outside the department requesting confidentiality shall provide to the administrative authority a written statement indicating the reasons for asserting confidentiality. This claim of confidentiality shall state:~~

~~1. — the measures taken to guard against undesired disclosure of the information to others;~~

~~2. — the extent to which the information has been disclosed to others and the precautions taken in connection therewith;~~

~~3. — whether disclosure of the information would be likely to result in substantial harmful effects in the competitive market, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects; and~~

~~4. — the period of time for which confidential treatment is desired.~~

~~B. — Anyone outside the department submitting information to the administrative authority for which a confidentiality claim is asserted shall follow the procedures outlined below:~~

~~1. — a cover sheet shall be attached to the information, which has been conspicuously labeled with the word "CONFIDENTIAL." Each page or any item (e.g., pictures, maps, video tapes, computer disks, etc.) that contains alleged confidential information shall also be clearly labeled;~~

~~2. — to the maximum extent possible, confidential information shall be segregated to facilitate identification and handling. The confidential information shall be specifically referenced as appropriate in the nonconfidential document. Blacking out confidential portions of otherwise public documents is permissible, provided the blacked out portions are clearly identified in both confidential and nonconfidential versions; and~~

~~3. — in cases where confidential information cannot be reasonably extracted or separated from nonconfidential information, and when the information does not include information described in LAC 33:1.505.B, the whole document shall be confidential.~~

A. Each request for confidentiality shall include all of the following:

1. a statement whether the request for confidentiality is a single character request, a mixed character request, or a financial request;

2. a list or an index identifying each separate record, category of records, or item of information and stating the legal authority under which each separate record or item of information may be determined to require confidentiality;

3. a statement of the measures taken to guard against undesired disclosure to others of each record or item of information;

4. a statement of the extent to which the information or records have been disclosed to others and the precautions taken in connection therewith;

5. a statement whether disclosure of the information or records would be likely to result in substantial harmful effects in the competitive market and, if so:

a. a statement of what those effects would be;

b. a statement of why they should be viewed as substantial;

and

c. an explanation of the causal relationship between disclosure and such harmful effects for each record or item of information;

6. a statement whether any previous request for confidentiality has been made to any government agency for the same information or records and, if so, the date of the request and its disposition; and

7. a certification that all statements are true and correct to the best of the requester's knowledge.

B. Each request shall be submitted with two versions of the information or records; one version to be clearly marked "confidential," and the other to be clearly marked "public."

1. The confidential version is to show all information and must clearly indicate what confidential information is excised from the public version.

2. The public version is to have the confidential information excised and must clearly show that confidential information has been excised.

3. Blacking out confidential portions of otherwise public records is permissible, provided that the blacked-out portions are clearly identified in both confidential and public versions.

C. A financial request is not required to comply with the provisions of Paragraphs A.2-5 of this Section.

D. A single character request shall include a certification that no record or item of information is contained in the request that:

1. fails to meet the criteria for confidentiality specified by law; or
2. is prohibited by law or regulation from being classified as

confidential.

E. Specific categories of information that are prohibited from being classified as confidential include:

1. air emission data;
2. any permit or portion of a permit issued to a source in accordance

with LAC 33:III.507;

3. effluent and discharge data to surface water and groundwater;

4. the location and identification of any buried waste;

5. the name and address of any license, registration, or permit

applicant or permittee;

6. all NPDES, LPDES, and other water discharge permit applications or permits and information required by LPDES application forms, including information submitted on the forms and any attachments used to supply information required by the forms;

7. any other information required by law or regulation to be disclosed or made available to the public; and

8. any other information for which a claim of confidentiality is prohibited by law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§505. Agency Review of Confidential Information Responses to Requests for Confidentiality**

A. ~~Within 21 working days from the date of receipt of a request for confidentiality, the secretary shall issue a written notice of determination. Anyone outside the department will be notified by certified mail.~~

B. ~~Specific categories of information that shall be denied confidentiality include:~~

1. ~~air emission data;~~

2. ~~any permit or portion of a permit issued to a source in accordance with LAC 33:III.507;~~

3. ~~effluent and discharge data to surface waters and groundwaters;~~

~~4. location and identification of any buried waste;~~

~~5. name and address of any license, registration or permit applicant or permittee;~~

~~6. all NPDES, LPDES, and other water discharge permit applications or permits. Information required by LPDES application forms may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms; and~~

~~7. any other information required by the law or regulations to be disclosed or for which a claim of confidentiality is prohibited by law or regulation.~~

~~C. The notice of determination shall become final and not subject to further administrative review unless, no later than 30 days after receipt of this document, the submitter files a written request for a hearing.~~

~~D. Information submitted under a claim of confidentiality shall be held as confidential until a final determination has been made.~~

A. The department shall make a determination and send a written response to the requester by certified mail within a reasonable time from receipt of a complete request for confidentiality, except for those requests made in accordance with R.S. 30:2074(D), in which case the department shall send a written response by certified mail within 21 working days from receipt of a complete request for confidentiality.

B. The department's determination shall become final unless, no later than 30 days after receipt of the written determination, the requester files a written request for a hearing.

C. Information or records for which a complete confidentiality request has been submitted shall be held confidential until the department's determination becomes final. Departmental employees, other than those charged with assessing the request for confidentiality, shall not be given access to such information or records, even if necessary for the performance of their jobs, until the department's determination as to confidentiality becomes final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§507. Authorized Agent Accessibility**

~~A. In the event a claim of confidentiality is granted, such confidentiality shall not apply to the necessary use of the information by duly authorized officers or employees of the state or federal government in carrying out their responsibilities under the Act or applicable federal law. Any officer or employee of the state or federal government who seeks access to such information must be duly authorized by the administrative authority. The administrative authority shall make a determination to grant such authorization based on a written request that shall specify the requestor's name, affiliation, and the need for access to the information based on the Act or applicable federal law. Department employees are exempt from requesting authorization in writing;~~

~~however, they must demonstrate a need for access to confidential information prior to seeking administrative authority approval.~~

~~B. — Any employee of the department or any former employee of the department or any authorized contractor acting as a representative of the secretary of the department who is convicted of intentional disclosure or conspiracy to disclose trade secrets or other information that has been determined to be confidential is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000, imprisonment for up to one year, or both.~~

A. If a request for confidentiality is granted, such confidentiality shall not prevent the necessary use of the information or records by department employees or duly authorized officers or employees of local, state, or federal governments in carrying out their responsibilities under law. The secretary or the secretary's designee must duly authorize any officer or employee of local, state, or federal government who seeks access to confidential information or records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030 and 30:2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

## **§508. Maintenance of Confidential Information**

### Repealed.

~~A. — Confidential information shall be maintained in a locked file separate from nonconfidential information. The file shall be labeled "CONFIDENTIAL," with access appropriately controlled.~~

~~B. — Whenever an authorized person gains access to a confidential file, he shall sign an access log, which indicates his understanding of the confidential status and his responsibility to protect the information from being disclosed to the public. The person will also indicate in the access log which file was removed, the date and time the file was removed, the affiliation of the person if not with the Department of Environmental Quality, and the time and date the file was returned.~~

~~C. — Except for members of the department staff, authorized persons shall review a confidential file in the presence of a department staff member. Confidential information shall be removed from the file no longer than is strictly necessary.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

## **§509. Release of Confidential Information or Records**

~~A. — The administrative authority shall remove confidential information from its files and return it to the submitter if such information is no longer necessary or~~

~~required after three years for the purposes of the Act, these regulations, or any order or under the terms and conditions of any license, registration, or permit.~~

~~B. Files declared confidential as part of an investigation shall be returned to the public record files upon conclusion of the investigation.~~

A. Information or records that are declared confidential to prevent impairment of an ongoing investigation or prejudice to the final decision regarding a violation will be made available for public inspection upon conclusion of the investigation or rendition of the final decision regarding a violation.

B. All other information or records that are declared confidential are subject to public disclosure three years from the date of determination of confidentiality, unless a complete request for continuance of confidentiality is received no later than 180 days prior to the expiration of the three-year period.

C. The submitter of information or records or the submitter's successor or assignee shall notify the secretary, by authentic act, of any information or record that is no longer considered to be confidential and shall release the secretary from any responsibility with regard to any claim of confidentiality concerning that record or information.

D. Renewal of a grant of confidentiality is at the discretion of the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§511. Disclosure of Confidential Records or Information**

A. Any employee or former employee of the department or anyone acting as a representative of the secretary of the department who is convicted of intentional disclosure or conspiracy to disclose trade secrets or other information that has been determined to be confidential is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000, imprisonment for up to one year, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30: \*\*.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

LOG #: OS050

Person

Preparing

Statement: Wendy McLain Dept.: Dept. of Environmental Quality

Phone: (225) 219-3159 Office: Office of Management and Finance

Return Rule

Address: P. O. Box 4303 Title: Confidential Records and Information  
Baton Rouge, LA 70821-4303 (LAC 33:I.501, 502, 503, 505, 507,  
508, 509, 511)

Date Rule

Takes Effect: Upon Promulgation

**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no costs or savings to state or local governmental units for this proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units as a result of this rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There will be no costs to directly-affected persons or non-governmental groups as a result of this rule. The public will be better informed and have a greater understanding of the process for requesting confidentiality of records or information submitted to the department.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule will have no effect on competition or employment.

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
LEGISLATIVE FISCAL OFFICER OR  
DESIGNEE

James H. Brent, PhD, Assistant Secretary  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

LFO 7/1/94

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This revision clarifies the procedures for submission of records and information that meet the criteria for confidentiality under R.S. 30:2030 and the Louisiana Public Records Act, R.S. 44:1 et seq. This revision streamlines procedures by separating the types of submissions and what is required for departmental processing of each type. This revision also clarifies what records and information will and will not be available to the public in favor of maximum availability of non-confidential information. To achieve this goal, which is consistent with and required by the Louisiana Constitution, art. 7, §12, and by art. 12, §3, as well as the Public Records Act, R.S. 44:31.B.(1), those members of the public who submit records and information for which they seek confidentiality must carefully delineate how the submission meets the criteria for confidentiality and segregate confidential from non-confidential information that does not meet the criteria for confidentiality. The amendment clarifies that the burden is on the submitter to provide everything necessary for the department to determine whether confidentiality may be granted. The amendment also reduces the burden on the submitter for purely financial information/records submissions; this change will allow streamlined department processing for this category of submissions. These amendments to restructure and clarify the procedures for various types of confidentiality submissions is required based upon the department's experience with submissions under the current regulations.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Based on information and experience, the current process needs clarification to accomplish the goals of efficient and effective public service in the area of records management.

- C. Compliance with Act II of the 1986 First Extraordinary Session  
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule change will not result in any increase in the expenditure of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT****WORKSHEET****I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

<u>COSTS</u>	<u>FY 03-04</u>	<u>FY 04-05</u>	<u>FY 05-06</u>
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR & CONSTR	0	0	0
<u>POSITIONS(#)</u>	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The changes effected by this proposal will not increase or decrease costs to the department.

3. Sources of funding for implementing the proposed rule or rule change.

<u>SOURCE</u>	<u>FY 03-04</u>	<u>FY 04-05</u>	<u>FY 05-06</u>
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department currently has sufficient funds to implement the proposed action.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No impact on local government is expected.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This section is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT****WORKSHEET****II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 03-04</u>	<u>FY 04-05</u>	<u>FY 05-06</u>
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

\*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

No increase or decrease is indicated.

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There will be no costs to directly-affected persons as a result of this rule change. The public and that segment of the public (the regulated community and environmentally-oriented citizen groups) that submits records and information to the department will be directly affected. These groups will be better informed, have a greater understanding of the process for requesting confidentiality of records or information submitted to the department, and enjoy greater accountability from the department's records management service area.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on receipts or income to these groups is anticipated as a result of this rule change.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No effect on competition or employment is anticipated, in either the public or private sectors.